

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STEVE SACHS,

Plaintiff,

V.

STEVEN SPRAGUE, ET AL,

Defendant.

**CIVIL ACTION
NO. 04-30032-MAP**

**DEFENDANTS' *UNOPPOSED* MOTION FOR LEAVE TO
FILE A REPLY TO PLAINTIFFS' OPPOSITION TO MOTION
FOR PROTECTIVE ORDER ON OR BEFORE OCTOBER 29, 2004**

Pursuant to Local rule 7.1(B)(3), Defendants Messrs. Sprague, Feeney, Bagalay, Bushnell, Gilder and McConnaughy and nominal defendant Wave Systems Corp. (“Defendants”) hereby respectfully move this court to grant Defendants leave to file a reply to Plaintiffs’ Opposition To Motion For Protective Order (“Opposition”). Specifically, Defendants request that the Court allow the Defendants to file a Reply on or before October 29, 2004, six calendar days following Plaintiffs’ filing of the Opposition. As grounds for this Motion, the Defendants state as follows:

1. Counsel for Plaintiffs has indicated that the Plaintiffs will not oppose the relief sought by this motion.

2. The Plaintiffs' Opposition asserts factual and legal arguments that the Defendants believe are misstated or misapplied in this case. The Defendants will, if allowed, submit a brief

Reply addressing these points, to assist the Court in reaching a better informed conclusion as to the issue presented.

3. Defendants will timely file their Reply brief on or before October 29, 2004. Accordingly, allowing leave to file the reply will not materially delay the resolution of the Defendants' motion.

For the foregoing reasons, the Defendants respectfully submit that their Unopposed Motion for Leave to File a Reply to Plaintiffs' Opposition to Motion for Protective Order should be granted.

LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel for Defendants has conferred in good faith with Counsel for Plaintiffs in an attempt to narrow or resolve the issues presented by this motion, and Counsel for Plaintiffs does not oppose the relief sought herein.

/s/ Michael D. Blanchard
Michael D. Blanchard

Respectfully submitted,

**STEVEN SPRAGUE, GERALD T.
FEENEY, JOHN E. BAGALAY, JR.,
NOLAN BUSHNELL, GEORGE
GILDER, JOHN E. McCONNAUGHY,
JR. AND NOMINAL DEFENDANT
WAVE SYSTEMS CORP.**

By its attorneys,

/s/ Michael D. Blanchard
Robert A. Buhlman, BBO #554393
Eunice E. Lee, BBO #639856
Michael D. Blanchard, BBO#636860

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Dated: October 22, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served electronically upon the attorney of record for each party on October 22, 2004.

/s/ Michael D. Blanchard
Michael D. Blanchard